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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,755	12/07/2000	Shuichi Kagawa	1190-0479P	9412
7590	07/14/2004		EXAMINER	
BIRCH, STEWART, KOLASCH & BIRCH, LLP			WU, JINGGE	
P.O. Box 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2623	12
DATE MAILED: 07/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/730,755	KAGAWA ET AL.	
	Examiner Jingge Wu	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 March 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 3-8, 10 and 11 is/are allowed.
- 6) Claim(s) 1,2,9 and 12-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8, 11</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

***Response to Amendment***

Applicants' response to the last Office Action, filed March 22, 2004 has been entered and made of record.

The drawing change on Fig. 1 is accepted by the Examiner.

Applicants' amendment has required new grounds of rejection. New grounds rejection are therefore presented in the Office Action.

Applicant's arguments have been fully considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6434266 to Kanno et al.

As to claim 13, Kanno discloses an image display device for receiving a first color data representing a first color image, and displaying a second color image corresponding to the first color image (abstract), comprising:

an adjuster for a user to designate an adjustment value of at least one of six color components, RGB and YCM of the first image (fig. 18c, col. 16 lines 36-48);  
a color converter for converting each hue of the color components of the first image based on the adjustment value, without substantially affecting another one of

said six colors, thereby generating a second color data, which representing the second color image (fig. 18c, col. 16 lines 36-48; fig. 3a, col. 6 lines 13-15, note that in the fine hue adjustment mode or fig. 3a mode, one hue change such as Yellow, would not affect one of other hues such as Magenta); and

a display unit displaying the adjusted image (fig. 22, 1305).

As to claim 14, the discussion is addressed with regard to claim 13 (note that adjusting Yellow only).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5917959 to Kagawa et al. (a reference of record) in view of US 5930009 to Sato et al. (a reference of record).

As to claim 1, Kagawa discloses an image display device for receiving an input image comprising three or more color data, and displaying the input image on an image display unit (fig. 58 , col. 50 lines 1-3), comprising:

a color converter for converting a first color RGB image data into a second color RGB image data on the basis of conversion characteristic data (fig. 58-59, col. 49 line 4-col. 50 line 65);

a conversion characteristics storage for storing the conversion characteristics (fig. 22 and 58, col. 25 lines 47-54);

conversion characteristics designation means (32 and 33) for designating the conversion characteristic to be used in the color converter, and outputting the designation data (fig. 58, col. 49 line 4-col. 50 line 65); and

conversion characteristics setting means (110) for calculating the conversion characteristic data on the basis of the designation data, and setting the conversion characteristics data in the storage (fig 22 and 58, col. 25, lines 47-54, col. 49 line 4-col. 50 line 65).

Kagawa does not explicitly mention user selects and designates the color to convert which is well known in the art.

Sato, in analogous environment, discloses:

a selector unit for a user to select the color for which the conversion characteristic is to be designated (fig. 4-5. col. 8, lines 50-col. 9, line 42); and

a designator for designating the conversion characteristic for the selected color (fig. 4-5. col. 8, lines 50-col. 9, line 42)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use scheme of Sato in the system of Kagawa in order to easily and arbitrarily adjust the color of the image so as to obtain the better image color correction (Sato, col. 3 line 4-67).

As to claim 2, Kagawa further discloses the image characteristics designation comprising:

means for selecting a color (col. 4 line 61-col. 5 line 4, selecting is inherent);

means for designating the conversion characteristic for the selected color (col. 4 line 61-col. 5 line 4).

As to claim 9, Kagawa further discloses the calculating term generator color extracting means (33) for extracting chromatic and achromatic components from form the first image data (fig. 58); and a polynomial calculator performing comparison operation on the chromatic components (fig. 58).

As to claim 12, Kagawa further discloses selecting and designating at least one of six color components of red, green, blue, yellow, cyan, and magenta (fig. 39).

#### ***Allowable Subject Matter***

Claims 3, 4, and 10 are allowed. Claims 5-8, and 11 depend from claims 4 and 10 respectively, therefore, are allowed.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu  
Primary Patent Examiner

